

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHAEL MEYERS,)	
)	
Plaintiff,)	
)	
v.)	CV417-208
)	
SHERIFF JOHN WILCHER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Pro se prisoner Michael Meyers seeks leave to pursue his 42 U.S.C. § 1983 claims *in forma pauperis* (IFP).¹ See Doc. 1 at 5-11 (complaint); doc. 2 (IFP motion); doc. 4 (supplement). The Court grants IFP status if a plaintiff demonstrates that he cannot, because of his poverty, afford to pay the costs of litigation and still provide for himself and any dependents. See 28 U.S.C. § 1915(a)(1); *Adkins v. E.I. Dupont de Nemours*, 335 U.S. 331, 339-40 (1948); *Martinez v. Kristi Kleaners, Inc.*,

¹ Meyers' stream-of-consciousness allegations are difficult to follow. See doc. 1 at 5-11. He contends that he has been "shang-hi[ed]" and forced to undergo a medical assessment. *Id.* at 5. Unidentified individuals, perhaps corrections officers or police, also subjected him to (presumably) excessive force, including "pepper spray." *Id.* at 6. Unnamed officials have also violated his right to due process in (apparently) a state criminal proceeding. *Id.* at 7-8 (alleging, in unedited form, that "rescheduling of competency hearing as nothing but cruel and unusual punishment of raping my constitutional rights as [illegible] slavery."). The relief he seeks is no clearer. See *id.* at 11.

364 F.3d 1305, 1307 (11th Cir. 2007). While a plaintiff need not be absolutely destitute in order to proceed IFP, the fact that financing his own litigation may cause some difficulty is not sufficient to relieve a plaintiff of his obligation to pay his own way where it is possible for him to do so without undue hardship. *Adkins*, 335 U.S. 339-40.

Although he lists a prison address, Meyers states that he receives \$656 per month in Social Security and \$2,903 per month in Veteran's disability benefits. Doc. 4 at 2. He further states that he has \$5,484.75 in a checking account and \$889.10 in a savings account. *Id.* His prison account has a balance of \$306. *Id.* With that much money and income, he can easily pay the \$400 filing fee.² Meyers' disclosed assets and income show that he is not indigent, and thus not entitled to proceed IFP. Unless he pays the full \$400.00 filing fee **within 14 days**, the Court will recommend that his IFP application be denied and that his case be dismissed.

² See *Callaway v. Cumberland County Sheriff Dept.*, 2015 WL 2371614 at * 1 (D.N.J. May 18, 2015) ("The entire fee to be paid in advance of filing a civil complaint is \$400. That fee includes a filing fee of \$350 plus an administrative fee of \$50, for a total of \$400. A prisoner who is granted *in forma pauperis* status will, instead, be assessed a filing fee of \$350 and will not be responsible for the \$50 administrative fee. A prisoner who is denied *in forma pauperis* status must pay the full \$400, including the \$350 filing fee and the \$50 administrative fee, before the complaint will be filed.").

SO ORDERED, this 2nd day of February, 2018.

A handwritten signature in blue ink, appearing to read "J.R. Smith", is positioned above a horizontal line.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA